IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF GEORGIA

CASE NO. **CV116-205**

RULE 26 INSTRUCTION ORDER

Federal Rule of Civil Procedure 26(f) requires the parties to confer, develop a proposed discovery plan, and submit a report to this Court. Subsequent to the filing of the report, a Scheduling Order must be entered pursuant to Fed. R. Civ. P. 16(b). Therefore, the parties shall confer as provided in Federal Rule 26(f) by the earlier of 60 days after any defendant has been served with the complaint or 45 days after any defendant has appeared. See L.R. 26.1(a).[1] Thereafter, within 14 days after the required conference held pursuant to Rule 26(f), the parties shall submit to the Court a written report conforming to the language and format of the Rule 26(f) Report attached to this Order outlining their discovery plan. See L.R. 26.1(b).

Except in unusually protracted or complex cases, the parties will be expected to adhere to the following deadlines and limitations:
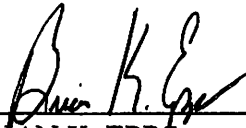
1. The parties shall serve all written discovery on opposing parties and shall complete all depositions within **140 days** of the filing of the last answer of the defendants named in the original complaint. See L.R. 26.1(d)(i).

2. The plaintiff must furnish the expert witness reports required by Federal Rule 26(a)(2) within **60 days** after the Rule 26(f) conference. See L.R. 26.1(d)(ii).

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[1]The Local Rules may be found on the Court's website at www.gasd.uscourts.gov.

3.   The defendant must furnish the <u>expert witness reports</u> required by Federal Rule 26(a)(2) within **90 days** after the Rule 26(f) conference (or **60 days** after the answer, whichever is later). <u>See</u> L.R. 26.1(d)(iii).

4.   The last day for <u>filing motions to add or join parties or amend the pleadings</u> is **60 days** after the first answer of the defendants named in the original complaint. <u>See</u> L.R. 16.3.

5.   The last day for <u>filing all other motions</u>, excluding motions in limine, is **30 days** after the close of discovery. <u>See</u> L.R. 7.4.

Plaintiff's counsel, or, if applicable, the *pro se* plaintiff, shall ensure that a copy of this Order is served upon all parties. Finally, a party who cannot gain the cooperation of the other party in preparing the Rule 26(f) Report should advise the Court prior to the due date of the report of the other party's failure to cooperate.

     SO ORDERED.

_____
BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF GEORGIA

_____ DIVISION

	)	
	)	
Plaintiff	)	
	)	
v.	)	Case No.
	)	
	)	
	)	
Defendant	)	

RULE 26(f) REPORT

1. Date of Rule 26(f) conference: _____

2. Parties or counsel who participated in conference:

   _____

   _____

3. If any defendant has yet to be served, please identify the defendant and state when service is expected.

4. Date the Rule 26(a)(1) disclosures were made or will be made:

5. If any party objects to making the initial disclosures required by Rule 26(a)(1) or proposes changes to the timing or form of those disclosures,

   (a) Identify the party or parties making the objection or proposal:

   _____

   _____

   (b) Specify the objection or proposal:

_____

_____

_____

6.   The Local Rules provide a 140-day period for discovery. If any
     party is requesting additional time for discovery,

     (a)   Identify the party or parties requesting additional time:

           _____

           _____

           _____

     (b)   State the number of months the parties are requesting for
           discovery:

                                                    _____

months

     (c)   Identify the reason(s) for requesting additional time for
           discovery:

           _____ Unusually large number of parties

           _____ Unusually large number of claims or defenses

           _____ Unusually large number of witnesses

           _____ Exceptionally complex factual issues

           _____ Need for discovery outside the United States

           _____ Other: _____
     (d)   Please provide a brief statement in support of each of the
           reasons identified above:

           _____

           _____

           _____

_____

_____

_____

_____

7.   If any party is requesting that discovery be limited to particular issues or conducted in phases, please

    (a)   Identify the party or parties requesting such limits:

        _____

        _____

        _____

    (b)   State the nature of any proposed limits:

        _____

        _____

        _____

8.   The Local Rules provide, and the Court generally imposes, the following deadlines:

Last day for filing motions to add or join parties or amend pleadings	60 days after issue is joined
Last day to furnish expert witness report by plaintiff	60 days after Rule 26(f) conference
Last day to furnish expert witness report by a defendant	90 days after Rule 26(f) conference (or 60 days after the answer, whichever is later)

Last day to file motions   30 days after close of
                                             discovery

If any party requests a modification of any of these deadlines,

(a)   Identify the party or parties requesting the modification:

_____

_____

(b)   State which deadline should be modified and the reason
       supporting the request:

_____

_____

_____

_____

_____

9.   If the case involves electronic discovery,

(a)   State whether the parties have reached an agreement
       regarding the preservation, disclosure, or discovery of
       electronically stored information, and if the parties prefer to
       have their agreement memorialized in the scheduling order,
       briefly describe the terms of their agreement:

_____

_____

(b)   Identify any issues regarding electronically stored
       information as to which the parties have been unable to
       reach an agreement:

_____

_____

10. If the case is known to involve claims of privilege or protection of trial preparation material,

    (a) State whether the parties have reached an agreement regarding the procedures for asserting claims of privilege or protection after production of either electronic or other discovery material:

_____

    (b) Briefly describe the terms of any agreement the parties wish to have memoralized in the scheduling order (or attach any separate proposed order which the parties are requesting the Court to enter addressing such matters):

_____

_____

    (c) Identify any issues regarding claims of privilege or protection as to which the parties have been unable to reach an agreement:

_____

_____

_____

11. State any other matters the Court should include in its scheduling order:

_____

_____

12. The parties certify by their signatures below that they have discussed the nature and basis of their claims and defenses and

the possibilities for prompt settlement or resolution of the case. Please state any specific problems that have created a hindrance to the settlement of the case:

_____

_____

_____

This _____ day of _____, 20 .

Signed: _____
Attorney for Plaintiff

_____
Attorney for Defendant